

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #1	CCRB Case #: 201506867	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/16/2015 9:15 PM	Location of Incident: East 122nd Street and 2nd Avenue	Precinct: 25	18 Mo. SOL 2/16/2017	EO SOL 2/16/2017	
Date/Time CV Reported Mon, 08/17/2015 1:57 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 08/17/2015 1:57 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Dereon Willis	02806	905302	PSA 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Alesandro Florentino	1758	940825	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dereon Willis	Abuse: Sgt. Dereon Willis threatened § 87(2)(b) with the use of force.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On August 16, 2015, at approximately 9:15 p.m., § 87(2)(b) and § 87(2)(b) were § 87(2)(b) in the vicinity of East 122nd Street and 2nd Avenue in Manhattan. § 87(2)(b) and § 87(2)(b) are members of an activist group called the § 87(2)(b) and § 87(2)(b) heard a police radio call for an assault in progress at an adjacent NYCHA Development on their police scanners and proceeded to that location. When § 87(2)(b) and § 87(2)(b) arrived at the location, two RMPs were on the scene including RMP# 9358 that Sgt. Dereon Willis and Sgt. Alesandro Florentino were sitting in. While § 87(2)(b) and § 87(2)(b) stood alongside a fence, Sgt. Florentino made a U-turn and began to drive out of the NYCHA development when he stopped the RMP alongside § 87(2)(b) and § 87(2)(b). Through the open passenger window, § 87(2)(b) and § 87(2)(b) spoke with Sgt. Willis. Sgt. Willis and § 87(2)(b) recognized each other from previous encounters and acknowledged each other. § 87(2)(b) and Sgt. Willis then have a calm, but antagonistic conversation in which § 87(2)(b) continually advises Sgt. Willis of his own importance. During the conversation, § 87(2)(b) told Sgt. Willis, “Cause you can’t do shit.” Sgt. Willis replied to § 87(2)(b) “Yes I can. I can leave here right now and come back and beat you up, because I can be done” (**Allegation A**). § 87(2)(b) and Sgt. Willis continued to talk for a few seconds and then Sgt. Florentino drove away from the scene. § 87(2)(b) and § 87(2)(b) walked away from the scene immediately afterwards.

§ 87(2)(b) initially refused multiple requests to provide his unedited video of the incident, because he did not feel that his unflattering response to Sgt. Willis’ threat was relevant to the investigation. Only after being convinced of its importance did § 87(2)(b) provide the CCRB with an unedited handheld **video** of the entire encounter 01:19 long that clearly shows the allegation and Sgt. Willis (06 Board Review).

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b) (01 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- On September 15, 2015, a FOIL registration confirmed that neither § 87(2)(b) nor § 87(2)(b) filed any notices of claim for this incident (03 Board Review).

Civilian and Officer CCRB Histories

- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

- Sgt. Willis has been a member of the NYPD for 22 years and has been a subject in eight other CCRB cases involving 22 allegations. Of these allegations, one strip-search allegation was substantiated. Sgt. Willis has no previous threat of force allegations. § 87(2)(g)

Potential Issues

- § 87(2)(b) initially provided an obviously edited video and initially refused to provide the unedited version until September 2, 2015 (see IAs pertaining to obtaining video footage).

Findings and Recommendations

Allegations not pleaded

- § 87(2)(b) alleged during his CCRB interview that Sgt. Willis used profanity towards him and § 87(2)(b). However, § 87(2)(b) was not sure of the specific statements made by Sgt. Willis and said that the exact statements would be heard on § 87(2)(b)'s video. Sgt. Willis is not heard using any profanity in § 87(2)(b)'s video of the full incident nor did § 87(2)(b) allege that Sgt. Willis used any profanity. § 87(2)(g)

Allegation A –Abuse of authority: Sgt. Dereon Willis threatened § 87(2)(b) with the use of force.

§ 87(2)(b)'s video shows the RMP that Sgt. Willis was riding in drive up alongside § 87(2)(b) and § 87(2)(b). Sgt. Willis is seen sitting in the front passenger seat of the RMP and his window is rolled down. § 87(2)(b) and Sgt. Willis then have a calm, but antagonistic conversation in which § 87(2)(b) continually advises Sgt. Willis of his own importance. § 87(2)(b)'s video of the incident shows that at 00:40, § 87(2)(b) is heard saying to Sgt. Willis, "Cause you can't do shit." Sgt. Willis is then heard responding, "Yes I can. I can leave here right now and come back and beat you up, because I can be done." § 87(2)(b) responded, "Nah, see that's the thing. I will definitely swing right back at you. I won't hesitate. I don't think you could beat me up anyway." Sgt. Willis responded, "Trust me I can. Trust me I can. Actually, when I'm done..." § 87(2)(b) cuts Sgt. Willis off and says, "As a matter of fact, remember the name § 87(2)(b). Look me up. I'm known for busting police in the head. So look me up." Sgt. Willis and § 87(2)(b) make a few more statements and then the RMP Sgt. Willis is in drives past § 87(2)(b) and off camera. On the side of the RMP, "9358" and "PSA 5" can be clearly seen. The video then cuts out (06 Board Review).

Contrary to the video, § 87(2)(b) said that Sgt. Willis' statement was, "I'll go take off my uniform and kick your ass." (01 and 05 Board Review).

Sgt. Willis admitted saying to § 87(2)(b) "Yes I can. I can leave here right now and come back and beat you up, because I can be done." Sgt. Willis explained that he made this statement, because § 87(2)(b) had previously said to him, "Look me up," which Sgt. Willis interpreted to mean that § 87(2)(b) had a reputation for being able to fight. Sgt. Willis also said that § 87(2)(b)

§ 87(2)(b) told him, “My hands is good,” which also meant that he knew how to fight. § 87(2)(b) is never heard saying, “My hands is good” on his video, but Sgt. Willis explained that he said it during an initial conversation just prior to the video starting while his RMP was in the process of making a U-turn, but had not yet stopped. Sgt. Willis felt that § 87(2)(b) was testing him with these statements and so he needed to respond to let § 87(2)(b) know that he would defend himself (07 Board Review).

In Oath Index case number: 1328/00, an officer was found guilty of misconduct when he told an individual that he wished he had five minutes alone with him. This comment was deemed as gratuitous and serving no purpose other than intimidation (08 Board Review).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Squad: 1

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date